

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

WOODCREST ENTERPRISES, INC.,

Plaintiff,

vs.

**LIBERTY MUTUAL INSURANCE
COMPANY and LIBERTY MUTUAL
FIRE INSURANCE COMPANY,**

Defendants.

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CASE NO. 4:17-cv-00582

AGREED MOTION TO DISMISS WITH PREJUDICE

COME NOW Plaintiff Woodcrest Enterprises, Inc. (“Plaintiff”) and Defendants Liberty Mutual Insurance Company and Liberty Mutual Fire Insurance Company (“Defendants”; collectively, Plaintiff and Defendants are referred to herein as the “Parties”) and respectfully files this, their Agreed Motion to Dismiss with Prejudice (the “Motion”) pursuant to Federal Rule of Civil Procedure 41(a) (ii), and in support thereof show the Court as follows:

I. INTRODUCTION

1.1 Plaintiff commenced the above-numbered and styled cause (the “Lawsuit”) against Defendants on or about July 6, 2017.

1.2 On or about August 18, 2017, Defendants appeared through its counsel and filed Defendant Liberty Mutual Insurance Company’s Plea in Abatement and Original Answer. To date, Defendants have filed neither any counterclaims nor any case dispositive motions.

1.3 This Lawsuit has been resolved by the Parties and, as a result, the Parties no longer wish to pursue the litigation. Both Parties respectfully request that this Lawsuit, in addition to all

claims, and causes of action that have either been asserted or could have been asserted therein be dismissed with prejudice to the refiling of same.

1.4 The Parties further move that all costs in this Lawsuit incurred by Plaintiff and Defendants be assessed against the party incurring the same and each of the Plaintiff and Defendants are to bear their own attorney's fees and costs.

1.5 Pursuant to FED. R. CIV. P. 41(A)(ii), this Motion shall effectively dismiss this Lawsuit in its entirety upon the filing hereof.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the Parties pray for the entry of the Order of Dismissal filed concurrently with this Motion dismissing all said claims, and causes of action that have either been asserted or could have been asserted herein with prejudice to the right of refiling, with costs assessed to the party incurring same.

Respectfully submitted,

AGREED:

/s/ Frank Hill
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